IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.2217/2000.

Lady M.B.Memorial Society, Jaipur. **VERSUS** Union of India & Another.

08.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.B.L.Sharma, for the petitioner.
Mr.R.B.Mathur, for the respondents.

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In this writ petition, the petitioner has challenged the order dated 21.05.1998 (Annexure-3), order dated 29.07.1998 (Annexure-4) and the consequential letter issued (Annexure-6) dated 25.01.1999 purported to have been passed under Section 7(A) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

It is submitted by learned counsel for the respondents that against the aforesaid order, an appeal is provided under Section 7(I) of the Act and the Appellate Authority has been constituted and notified by the respondents for the purposes of hearing of the appeals and the petitioners have an alternative remedy available for filing the said appeal.

Learned counsel appearing on behalf of the petitioner submits that he may be permitted to approach the Appellate Authority for the purposes of filing the appeal against the impugned order. He, however, submits that the impugned order was stayed by this court vide interim order dated 19.01.2001 and which order has remained in force till date.

In view of the above, he submits that till such time, as the stay application is decided by the Appellate Authority, the interim order dated 19.01.2001 may be ordered to remain in force.

In the light of the above submissions made by the learned counsel for the parties, it is hereby directed that the petitioner is free to approach the Appellate Authority and file the appeal before the same within a period of four weeks from today and may also file an application for stay before the Appellate Authority. It is further directed that till such time the stay application is decided, the interim order dated 19.01.2001 shall remain in force.

Subject to the above, this writ petition stands disposed of. The stay application also stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.